

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of February 10, 2025

Call to Order and Roll Call

The February meeting of the Administrative Regulation Review Subcommittee was held on Monday, February 10, 2025, at 1:00 p.m. in Room 149 of the Capitol Annex. Representative Derek Lewis, Co-Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams and Mike Wilson; and Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

LRC Staff: Stacy Auterson, Laura Begin, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Anna Latek, Callie Lewis, and Carrie Nichols.

Guests: Jennifer Scutchfield, Secretary of State; Christopher Bowlin, Steve Humphress, Office of the Attorney General; Sara Boswell Janes, Jennifer Lutes, Board of Speech-language Pathology and Audiology; Steven Fields, Jenny Gilbert, Department of Fish and Wildlife Resources; Brian Osterman, Tyler Shields, Division of Waste Management; Nathan Goens, Department of State Police; Todd Allen, Dr. Robbie Fletcher, Matt Ross, Department of Education; Jason Hernandez, Robin Maples, Chuck Stribling, Department of Workplace Standards; Shaun Orme, Beth Taylor, Department of Insurance; Katie Adams-Cornett, Hannah Carlin, Marni Gibson, Department of Financial Institutions; and Kelli Blair, Julie Brooks, Gail Hooper, Jonathan Scott, Cabinet for Health and Family Services.

Administrative Regulations Reviewed by this Subcommittee:

SECRETARY OF STATE: Certifications

[030 KAR 002:011](#). Repeal of 030 KAR 002:010. Jennifer Scutchfield, deputy secretary of state, represented the secretary.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

OFFICE OF THE ATTORNEY GENERAL: Department of Law: Administrative Hearings

[040 KAR 005:010](#). Hearing officer required training. Christopher Bowlin, executive director, Office of Administrative Hearings, and Steve Humphress, executive director, Office of Regulatory Relief, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 3, 4, 6, and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Speech-language Pathology and Audiology: Interstate Compact

[201 KAR 017:120E](#). Audiology and Speech-language Pathology Interstate Compact. Sara Boswell Janes, staff attorney, and Jennifer Lutes, chair, represented the board.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Game

[301 KAR 002:041](#). Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, and bobwhite shoot-to-train season. Steven Fields, staff attorney, and Jenny Gilbert, legislative liaison, represented the department.

In response to Co-Chair Lewis, Ms. Gilbert stated this administrative regulation was in response to the Kentucky Houndsmen Association requesting more opportunities for training hunting dogs outside of existing commercial provisions.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 4, 5, 7, 8, 10, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

ENERGY AND ENVIRONMENT CABINET: Department for Environmental Protection: Division of Waste Management: Solid Waste Facilities

[401 KAR 047:110](#). Registered permit-by-rule. Brian Osterman, division director, and Tyler Shields, regulatory supervisor, represented the division.

In response to Co-Chair Lewis, Mr. Osterman stated the proposed amendments addressed House Bill 478 from the 2024 session of the General Assembly. He said the two-acre landfills governed by these administrative regulations are a mix of both

municipal and privately operated facilities, many of which are controlled by private demolition companies that operate their own landfill facilities.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[401 KAR 048:320](#). Operating requirements for less than one (1) acre or expanded less than two (2) acre construction or demolition debris landfills.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 4 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

JUSTICE AND PUBLIC SAFETY CABINET: Department of State Police: Driver Training

[502 KAR 010:120](#). Hazardous materials endorsement requirements. Nathan Goens, assistant general counsel, represented the department.

In response to Co-Chair West, Mr. Goens stated the increased hazardous materials, commercial driver's license fee would be just over 23 dollars. This fee is federally mandated.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 3 to: (1) delete references to incorporated material that is no longer used; (2) delete language allowing an extension of the expiration date of the Hazardous Materials Endorsement to conform with current cabinet processes; and (3) comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Medical Examiner Protocols

[502 KAR 012:010](#). Sexual assault forensic-material examination protocol.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education: Office of Instruction

[704 KAR 003:535](#). Full-time enrolled online, virtual, and remote learning programs. Todd Allen, general counsel and deputy commissioner; Dr. Robbie Fletcher, commissioner; and Matt Ross, associate commissioner, represented the department.

In response to Co-Chair Lewis, Dr. Fletcher stated that the proposed agency amendment included a 10 percent cap on the number of students allowed in online, virtual, or remote learning courses because cabinet-collected data indicated that many smaller districts might not be able to effectively implement these standards. Mr. Allen stated that if a district needed to exceed the 10 percent cap on enrollment, under the proposed agency amendment, the district would be required to appear before the board and request a waiver. Rather than the proposed agency amendment, Co-Chair Lewis stated legislation is needed to establish metrics and a detailed process for school districts having difficulty complying with these requirements. Co-Chair West stated he worked extensively with the board on this issue and thanked the commissioner for his openness and cooperation. The administrative regulation will proceed to the committee of jurisdiction, and the discussion could continue there.

Department of Workplace Standards: Occupational Safety and Health

[803 KAR 002:320E](#). Toxic and hazardous substances. Jason Hernandez, general counsel; Robin Maples, occupational safety and health standards specialist; and Chuck Stribling, deputy commissioner, represented the department.

Department of Financial Institutions: Check Cashing

[808 KAR 009:010](#). Deferred deposit database compliance. Katie Adams-Cornett, general counsel; Hannah Carlin, division director; and Marni Gibson, commissioner, represented the department.

In response to Co-Chair Lewis, Ms. Gibson thanked the subcommittee for accommodating the department's time constraints and stated the department would follow up with information regarding the administrative regulation pertaining to credit unions.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Maternal and Child Health

[902 KAR 004:105](#). Kentucky Lifeline for Moms program implementation. Julie Brooks, regulation coordinator, represented the department.

Department for Medicaid Services: Hospital Service Coverage and Reimbursement

[907 KAR 010:015](#). Payments for outpatient hospital services. Jonathan Scott, regulation coordinator, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 4, 6, 7, and 11 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: Child Support

[921 KAR 001:400](#). Establishment, review, and modification of child support and medical support orders. Kelli Blair, regulation coordinator, and Gail Hooper, section supervisor, represented the department.

The following administrative regulations were deferred or removed from the February 10, 2025, subcommittee agenda:

FINANCE AND ADMINISTRATION CABINET: Kentucky Public Pension Authority (KPPA): General Rules

[105 KAR 001:451](#). Quasi-governmental employer reports on independent contractors and leased employees.

BOARDS AND COMMISSIONS: Board of Optometric Examiners

[201 KAR 005:010](#). Application for licensure; endorsement.

Board of Veterinary Examiners

[201 KAR 016:510](#). Fees for veterinarians.

[201 KAR 016:513](#). Fees for Allied Animal Health Professional (AAHP) Permits.

[201 KAR 016:515](#). Fees for veterinary facility registrations.

[201 KAR 016:517](#). Fees for AAHP facility registrations.

[201 KAR 016:730](#). Approved Allied Animal Health Professional (AAHP) Programs; education requirements.

[201 KAR 016:731](#). Examination requirements for AAHP providers.

[201 KAR 016:732](#). Application requirements for AAHP permits - reinstatement.

[201 KAR 016:735](#). Renewal requirements for AAHP permits – renewal notice – expiration.

[201 KAR 016:737](#). Responsibilities for AAHP providers; limitations on practice.

[201 KAR 016:762](#). Application requirements for Veterinary facility registration; veterinarian managers; registered responsible parties.

[201 KAR 016:765](#). Veterinary facilities – renewal notice – requirements for renewal and reinstatement.

[201 KAR 016:767](#). Registered veterinary facilities – duties of registered responsible parties and veterinarian managers.

[201 KAR 016:772](#). Application requirements for AAHP facility registration; AAHP managers; registered responsible parties.

[201 KAR 016:775](#). AAHP facilities – renewal notice – requirements for renewal and reinstatement.

[201 KAR 016:777](#). Registered AAHP facilities - duties of registered responsible parties and AAHP managers.

Board of Licensed Professional Counselors

[201 KAR 036:050](#). Complaint management process.

[201 KAR 036:100E](#). Counseling compact.

ENERGY AND ENVIRONMENT CABINET: Department for Natural Resources: Division of Mine Permits: Bond and Insurance Requirements

[405 KAR 010:001](#). Definitions.

[405 KAR 010:015](#). General bonding provisions.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Driver’s License

[601 KAR 012:120E](#). Testing applicants for initial or renewal instruction permit, initial or renewal operator’s license, or reinstatement.

PUBLIC PROTECTION CABINET: Department of Insurance: Agents, Consultants, Solicitors and Adjusters

[806 KAR 009:360](#). Pharmacy Benefit Manager License. Shaun Orme, executive advisor, and Beth Taylor, staff attorney, represented the department.

In response to Co-Chair Lewis, Mr. Orme stated the department requested to defer consideration of this administrative regulation to the March meeting. The department was implementing Senate Bill 188 from the 2024 Regular Session of the General Assembly. There has been an increase in complaints, with the department receiving over 3,000 complaints since January 1, 2025. The department is streamlining the complaint-filing process and scheduling meetings with stakeholders to effectively implement the federal Employee Retirement Income Security Act Plan guidance in the context of the Rutledge v. Pharmaceutical Care Supreme Court decision.

In response to Co-Chair West, Mr. Orme stated there are approximately 57 pharmacy benefit managers currently licensed in Kentucky. Three of those licenses belong to the largest pharmacy operators.

Without objection, and with agreement of the agency, consideration of this administrative regulation was deferred to the March meeting of this subcommittee.

PUBLIC PROTECTION CABINET: Department of Financial Institutions: Credit Unions

[808 KAR 003:050](#). Conduct of credit unions.

KENTUCKY HORSE RACING AND GAMING CORPORATION: General

[810 KAR 002:070](#). Thoroughbred and other flat racing associations.

Flat and Steeplechase Racing

[810 KAR 004:030](#). Entries, subscriptions, and declarations.

The subcommittee adjourned at 1:35 PM. The next meeting of this subcommittee was tentatively scheduled for March 10, 2025, at 1 PM in Room 149 of the Annex.